



UNITED STATES PATENT AND TRADEMARK OFFICE

mw

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/244,550	02/03/1999	HARRIET E. BRICHTA	64-99-001	3859

7590 02/05/2004

ATTEN: MATTHEW B. TALPIS, ESQ
BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER

MYHRE, JAMES W

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/244,550

Applicant(s)

BRICHTA ET AL.

Examiner

James W Myhre

Art Unit

3622

Mh

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 13, 14, 16, 18-35, 38-42 and 44-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13, 14, 16, 18-35, 38-42, and 44-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on January 6, 2004 under 37 CFR 1.111 has been considered but is ineffective to overcome the Knudson et al (5,765,140) reference.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 13, 14, 16, 18-35, 38-42, and 44-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al (5,765,140).

Claims 1, 32, and 63: Knudson discloses a system and method for program office management, comprising:

- a. storing informational, financial, schedule, program, personnel, roles, and security access data about a plurality of accounts, projects, and programs (col 3, lines 12-19);
- b. storing a plurality of predefined tactics defining changes to a project (col 9, lines 50-54);
- c. associating one or more project milestone categories with one or more of the predefined tactics (col 2, lines 2-17 and 56-60);

d. storing update data of the progress, actual expenditures, and labor resources of the projects and programs (Figure 4 and col 7, lines 40-47);

e. displaying data according to a predetermined security hierarchical scheme based on the security access information (col 5, lines 21-26 and col 9, lines 5-20);

f. automatically associating at least one milestone with a project based on a selected tactic (col 9, lines 50-54); and

g. periodically updating the data (col 6, lines 34-36 and col 7, lines 40-47).

Knudson discloses that many types of data pertaining to projects, budgets, and personnel are stored in the master project management database. The Examiner notes that the claimed data is the usual data associated with project management and is either explicitly shown by Knudson as being stored in the database or would have been obvious to one having ordinary skill in the art at the time the invention was made to include in the database.

Claims 2 and 40: Knudson discloses a system and method for program office management as in Claims 1 and 32 above, and further discloses that the database is a plurality of relational structures, i.e. a relational database (col 8, lines 41-55).

Claims 3, 4, 5, 58, and 59: Knudson discloses a system and method for program office management as in Claims 1 and 33, but does not explicitly disclose that the user interface is web-based or a self-extracting executable. However, Knudson does disclose that the system includes a plurality of widely dispersed servers and clients. Therefore, it would have been obvious to one having ordinary skill in the art at the time

Art Unit: 3622

the invention was made to connect these remote device together through the Internet and to use a user interface which was web-based (i.e. written in HTML). It would also have been obvious that the interface could automatically appear, i.e. be self-extracting, without further user input. In other words, once the user selects to open the program office management system, the user interface software is run (extracted) automatically without the user having to separately select and run it. The Examiner notes that this type of automatically executing program is well-known throughout the computer arts and is used when opening many types of application programs, such as word processors, spreadsheets, browsers, etc. One would have been motivated to use these types of user interfaces in Knudson in order to provide the user with a more convenient, user-friendly interface upon which to work.

Claims 6 and 7: Knudson discloses a system for program office management as in Claim 1 above, and further discloses maintaining more than one copy of the database and user interface on distributed computer systems (col 3, lines 16-19).

Claims 8, 9, 13, 14, 33-35, 38, 39, 41, and 42: Knudson discloses a system and method for program office management as in Claims 1 and 32 above, and further discloses using a hierarchical system of security using assigned roles to control access by users to the database and to the entry of data/updates (col 5, lines 23-25 and col 7, line 57 – col 8, line 3).

Claims 16, 18-31, 44-57 and 62: Knudson discloses a system and method for program office management and further discloses tracking and storing the progress, budget, time schedule, personnel, problems, etc. of each project (col 2, line 42 – col 10,

line 20). The Examiner notes that the claimed data is the usual data associated with project management and is either explicitly shown by Knudson as being stored in the database or would have been obvious to one having ordinary skill in the art at the time the invention was made to include in the database. Furthermore, since the claims are only directed to a database and a user interface with no action being taken on the data besides storing and retrieving, the data within the database is considered to be non-functional data per se and is given little if any patentable weight.

Claim 60: Knudson discloses a method for program office management as in Claim 32 above and further discloses storing the data in duplicate remote databases and retrieving data from the databases, but does not explicitly disclose that the retrieved data is verified with the data from another of the duplicate databases. The Examiner notes that this is a widely used and well known method of data verification, especially when monetary data is involved. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to verify the retrieved data by comparing it to the same data retrieved from a duplicate database. One would have been motivated to verify the data in this manner in order to ensure that the data had not been corrupted during transmission or that the data had not been "tampered" with.

Claim 61: Knudson discloses a method for program office management as in Claim 32 above, and further discloses retrieving data from the database and using the data to generate views, reports, and audits (col 9, lines 30-37).

Response to Arguments

4. Applicant's arguments filed January 6, 2004 have been fully considered but they are not persuasive.

Applicant argues that Knudson does not disclose the claimed predefined tactics nor the associated milestones (page 16). The Examiner notes that Knudson discloses each project consisting of several predefined "tasks" and a time schedule for completing each of the tasks, i.e. milestones. It is also usual and widely known in the project management arts to consider various "tactics" when deciding not only on how to complete a project, but also on deciding on which is the proper project to begin with. For example, in a software development project the project manager could choose the tactic of updating a pre-existing (legacy) software program, importing a pre-made third party software product, or generating a completely new software program. Each of these choices would come with several tasks (milestones) to be completed, possibly with one or more of the tasks being required by more than one of the tactics. For example, one task that would be required for all of the above choices would be a final testing task. Other tasks, such as reviewing the pre-existing software, may be present in the first choice, but not necessary in either of the other two choices. Since the late 1950's project management software using the Program Evaluation Review Technique (PERT) and Critical Path Method (CPM) approaches have provided a defined method for inputting, managing, adjusting, and displaying tasks involved in projects, using such display formats as Gantt charts. Knudson explicitly discloses using the feedback pertaining to the progress and time schedule of the projects to revise project plans (col

Art Unit: 3622

8, lines 30-40). Thus, it is obvious that Knudson would be using known PERT or CPM project management software not only to define and track the tasks (milestones) involved in a project, but also to determine which type of project (tactic) was appropriate to solve the problem.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (703) 308-7843. The examiner can normally be reached on weekdays from 6:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (703) 305-8469. The fax phone number

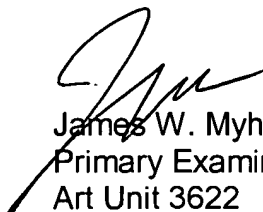
Art Unit: 3622

for Formal and Official faxes is (703) 872-9306. Draft or Informal faxes may be submitted directly to the examiner at (703) 746-5544.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 308-1113.



February 4, 2004



James W. Myhre
Primary Examiner
Art Unit 3622